

Exhibit 45

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3

4
5 MDL No. 16-2738 (FLW) (LHG)

6 IN RE: JOHNSON & JOHNSON
7 TALCUM POWDER PRODUCTS
8 MARKETING, SALES PRACTICES,
9 AND PRODUCTS LIABILITY LITIGATION
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14 The remote video deposition of WILLIAM LONGO,
15 Ph.D., taken via Zoom videoconference on
16 May 2, 2024, commencing at approximately
17 11:20 a.m., before Lois Anne Robinson,
18 Certified Realtime Reporter.
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<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 COUNSEL FOR PLAINTIFFS:</p> <p>3 BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.</p> <p>4 218 Commerce Street</p> <p>5 Montgomery, Alabama 36103</p> <p>6 BY: Leigh O'Dell, Esquire</p> <p>7 Leigh.odell@beasleyallen.com</p> <p>8 Leanna Pittard, Esquire</p> <p>9 Leanna.pittard@beasleyallen.com</p> <p>10 ASHCRAFT & GEREL</p> <p>11 1825 K Street NW, Suite 700</p> <p>12 Washington, DC 20006</p> <p>13 BY: Michelle A. Parfitt, Esquire</p> <p>14 Mparfitt@ashcraftlaw.com</p> <p>15 COHEN, PLACITLA & ROTH</p> <p>16 127 Maple Avenue</p> <p>17 Red Bank, New Jersey 07701</p> <p>18 BY: Christopher Placitella, Esquire</p> <p>19 Cplacitella@cprlaw.com</p> <p>20 Drew Renzi, Esquire</p> <p>21 Drenzi@cprlaw.com</p> <p>22 REILLY, McDEVITT & HENRICH, P.C.</p> <p>23 3 Executive Campus, Suite 310</p> <p>24 Cherry Hill, New Jersey 08002</p> <p> BY: Stephanie DiVita, Esq.</p> <p> Sdivita@rmh-law.com</p> <p> FOR THE DEFENDANT:</p> <p> KING & SPALDING</p> <p> 1185 Avenue of the Americas</p> <p> 34th Floor</p> <p> New York, New York 10036</p> <p> BY: John Ewald, Esquire</p> <p> Jewald@kslaw.com</p> <p> Jake Keester, Esquire</p> <p> Jkeester@kslaw.com</p> <p> VIDEOGRAPHER: Maria Lima</p> <p> Lois Anne Robinson, RPR, RDR, CRR</p> <p> Court Reporter</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X - (continued)</p> <p>2 Exhibit 8 57</p> <p>3 Reliance list</p> <p>4 Exhibit 9 57</p> <p>5 Fourth Supplemental MDL expert report - 4/29/24</p> <p>6 Exhibit 10 58</p> <p>7 Supplemental expert report - 5/2/24</p> <p>8 Exhibit 11 58</p> <p>9 MDL second supplemental expert report - 2/1/19</p> <p>10 Exhibit 12 145</p> <p>11 2/4/20 - Longo - "The Heavy Liquid Separation Method for the</p> <p>12 Analysis of Cosmetic Talc to Detect Amphibole and Chrysotile</p> <p>13 Asbestos"</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2 EXAMINATION PAGE</p> <p>3 By Mr. Ewald 6</p> <p>4</p> <p>5 * * * * *</p> <p>6 EXHIBITS PAGE</p> <p>7 Exhibit 1 17</p> <p>8 Lizardite Standard</p> <p>9 Exhibit 2 17</p> <p>10 Antigorite Standard</p> <p>11 Exhibit 3 31</p> <p>12 Shu-Chun Su - "The Dispersion Staining Technique and Its</p> <p>13 Application to Measuring Refractive Indices of Non-Opaque</p> <p>14 Materials, with Emphasis on Asbestos Analysis"</p> <p>15 Exhibit 4 31</p> <p>16 Shu-Chun Su - "Rapidly and Accurately Determining Refractive</p> <p>17 Indices of Asbestos Fibers by Using Dispersion Staining</p> <p>18 Method"</p> <p>19 Exhibit 5 42</p> <p>20 Notice of Deposition</p> <p>21 Exhibit 6 43</p> <p>22 PSC Objections to Updated Notice of Deposition</p> <p>23 Exhibit 7 56</p> <p>24 Curriculum vitae</p>	<p style="text-align: right;">Page 5</p> <p>1 VIDEOGRAPHER:</p> <p>2 We are now on the record.</p> <p>3 My name is Maria Lima. I'm a</p> <p>4 videographer for Golkow.</p> <p>5 Today's date is May 2nd, 2024, and the</p> <p>6 time is 11:20 a.m. This remote video deposition</p> <p>7 is being held in the matter of Talcum Powder</p> <p>8 Litigation.</p> <p>9 The deponent is William E. Longo, Ph.D.</p> <p>10 All parties to this deposition are</p> <p>11 appearing remotely and have agreed to the witness</p> <p>12 being sworn in remotely. Due to the nature of</p> <p>13 remote reporting, please pause briefly before</p> <p>14 speaking to ensure all parties are heard</p> <p>15 completely.</p> <p>16 Counsel's appearances will be noted on</p> <p>17 the stenographic record.</p> <p>18 The court reporter will now swear in</p> <p>19 the witness.</p> <p>20</p> <p>21 WILLIAM LONGO, Ph.D.,</p> <p>22 the witness, after having first been</p> <p>23 duly sworn to tell the truth, the whole truth,</p> <p>24 and nothing but the truth, was examined and</p>

<p style="text-align: right;">Page 118</p> <p>1 preparation is everything for a TEM analysis. 2 Q Well, if you are correct, the 3 finding -- 4 Withdrawn. 5 If MAS is correctly finding chrysotile 6 in Johnson & Johnson talc using PLM, then you 7 should be able to identify that on TEM if you 8 look long enough. Correct? 9 A If -- if you look long enough, 10 et cetera. That -- it doesn't work. You need, 11 you know, you need to have the methodology down. 12 And, again, once you say it's there by PLM, 13 you're not required to do anything else. We are 14 gonna do something else so I can publish it. 15 Q Why do you feel like -- 16 Well, what else are you going to do? 17 A Well, we'll get to where -- 18 If I'm gonna publish this, I want to 19 publish and say this is the best, most efficient 20 method we found, and these are the reasons why. 21 Q And what do you have to do before you 22 get to that point in time? 23 A Well, I've got to finish up these -- 24 I've got to finish up using the 1.560. You know,</p>	<p style="text-align: right;">Page 120</p> <p>1 Italian and using Montana, using et cetera. I 2 didn't think I was ever gonna see you guys again. 3 Q So is it your contention that you 4 haven't tested an MDL bottle because there was a 5 period of time that J&J was in bankruptcy? 6 MS. O'DELL: 7 Object to the form. Misstates his 8 testimony. 9 A No. I didn't test any of it because 10 the time it really -- we started, you know, 11 really solving issues, you guys went bankrupt. 12 So I focused on others so that we could take a 13 look at Italian, we could take a look at Brazil, 14 we could take a look at Guangxi, the four or five 15 mines there. And as we got going along, you 16 know, we got better and better at seeing these 17 very small structures. 18 Now, the next step is to get it to that 19 one -- to get it to the level I'm satisfied with 20 so that, you know, we can do TEM and finally put 21 an end to the -- to, oh, you're misidentifying 22 it. You're misidentifying it. 23 MR. EWALD: 24 Q Isn't there another way that you can</p>
<p style="text-align: right;">Page 119</p> <p>1 there's eight -- seven or eight samples there. 2 Each of those are gonna take hours so that I have 3 validated the concentrations by PLM. Then we 4 have to go back and redo the TEMs because we're 5 using 1.560. And we may adjust the heavy liquid 6 density a little bit more, and that's it. But 7 that's -- you're talking months of work. 8 Q Have -- 9 Am I correct that you have not analyzed 10 any of the MDL samples by PLM for the presence of 11 chrysotile? 12 A That's correct. We have not. 13 Q Why not? 14 A Number one, we weren't asked to do it. 15 Number 2, we analyzed -- we have 16 analyzed some -- you know, we have analyzed a 17 number of samples from Vermont. We've analyzed a 18 lot of samples from Italian, but not just -- not 19 just Johnson Baby Powder samples. 20 So we never -- we never did it because 21 we were doing it on a bunch of other things. 22 And, you know, quite frankly, J&J was in 23 bankruptcy, so we focused in on other 24 manufacturers that were using, you know, using</p>	<p style="text-align: right;">Page 121</p> <p>1 put an end to that? 2 A Is there another way what? 3 Q To put an end to that. 4 MS. O'DELL: 5 Object to the form. Vague. 6 A I mean, it should put an end to it -- 7 it should put an end to it. I mean, the talk -- 8 the suggestion that we are misidentifying fibrous 9 talc are absolutely wrong. The birefringence is 10 so easy in a clear way to distinguish between 11 these two biaxial minerals. I don't understand 12 how they can keep saying this. It doesn't make 13 any sense to me. 14 MR. EWALD: 15 Q Has any -- are you aware of any 16 scientist outside of MAS that has analyzed a 17 bottle or sample from a bottle of talc by PLM and 18 reported chrysotile? 19 A Um, I don't know. I mean, I don't know 20 what different scientists are out there. I don't 21 know what's been done as consulting experts. 22 What I do know is not one scientist out 23 there has provided any authoritative information 24 about polarized light microscopy that shows that</p>

<p style="text-align: right;">Page 122</p> <p>1 we are misidentifying fibrous talc for 2 chrysotile. It makes absolutely no sense. 3 Either they don't understand birefringence or 4 they don't understand the PLM process or they 5 don't understand how birefringence is measured, 6 and they probably don't understand about the 7 Michelle Levy charts where you do a -- you 8 compare your lowest -- your lowest refractive 9 indice [sic] to your highest refractive indice 10 [sic] and then you look at the -- the width of 11 the structure, PLM, and the width will cause a 12 difference in your birefringence. And a 13 difference in birefringence can only happen if 14 the width is causing a difference in the 15 refractive indices. 16 Q Dr. Longo, are you aware of anyone in 17 the world that has reviewed your images and data 18 from MAS identifying chrysotile by using PLM and 19 publicly agree with it? 20 MS. O'DELL: 21 Objection to the form. 22 A Yes and no. Yes, they have agreed, 23 but, no, they're not willing to go publicly with 24 it. So...</p>	<p style="text-align: right;">Page 124</p> <p>1 thousands of experts that are all involved in 2 this. There's like, what, six? Five? 3 And I'm not saying they're incompetent. 4 I just don't understand how they can miss the 5 birefringence on chryso- -- on talc versus the 6 chrysotile. You're talking about five orders of 7 magnitude difference. Yeah, you'll get a yellow 8 gold, but it's bright versus a more muted yellow 9 gold. And you look at your data, and nobody's 10 been able to explain where I have intergrowths 11 with both talc and chrysotile in both parallel 12 and perpendicular direction. And when you look 13 at them, it's very obviously there's something 14 different there. 15 MR. EWALD: 16 Q Well, you talked about in this 17 litigation. But would you agree with me that 18 submitting your methods, the scrutiny of the 19 larger scientific community is a component of 20 good science? 21 MS. O'DELL: 22 Object to the form. 23 A No, I won't agree with you. I would 24 agree --</p>
<p style="text-align: right;">Page 123</p> <p>1 MR. EWALD: 2 Q Okay. Who agrees? 3 A I'm not saying. I -- I gave them my 4 word that I would not use their name. 5 Q Okay. So we have one individual who 6 you say agrees with you but isn't willing to 7 actually publicly agree with you. Fair? 8 MS. O'DELL: 9 Object to the form. 10 A It's fair that they -- they don't want 11 to be involved in the litigation. But I don't 12 think that has anything to do with anything. 13 MR. EWALD: 14 Q Well, you just said -- you've just been 15 criticizing the people that have commented on 16 your work as basically how can they be so 17 incompetent. I want to know if there's anyone 18 that you can identify by name outside of MAS that 19 says yes, Dr. Longo is right in identifying 20 chrysotile through PLM. Anybody? 21 MS. O'DELL: 22 Object to the form. 23 A You know how -- yeah. It's kind of 24 interesting you say that. It's like there's</p>	<p style="text-align: right;">Page 125</p> <p>1 I mean, I think, as a good scientist, 2 you want to get the best product forward. And 3 I've told you that for a commercial lab, it is 4 incredibly difficult to spend the time that we 5 need to finish up all this. Because you guys, 6 it's like you think, okay, well, we should have 7 it right away. So, you know, I can't help you 8 there. 9 This is an advancement in science. The 10 fundamentals of why, nobody has pulled anything 11 out to say, "oh, it's different." You know, they 12 go, "oh, well, he's misidentified cellulose 13 fibers." 14 No. If you look at the refractive 15 indices for cellulose, a ribbony cellulose, no 16 competent PLM analyst would have a problem with 17 that. 18 The difference between fibrous talc or 19 platy talc on edge and chrysotile is the 20 birefringence is incredibly significant. I just 21 don't understand how that -- you know, the 22 mistake. I'm not saying they're incompetent. 23 I'm just saying it doesn't make any sense to me. 24 MR. EWALD:</p>

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1 C E R T I F I C A T E

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3 I do hereby certify that the above and
4 foregoing transcript of proceedings in the matter
5 aforementioned was taken down by me in machine
6 shorthand, and the questions and answers thereto
7 were reduced to writing under my personal
8 supervision, and that the foregoing represents a
9 true and correct transcript of the proceedings
10 given by said witness upon said hearing.

11 I further certify that I am neither of
12 counsel nor of kin to the parties to the action,
13 nor am I in anywise interested in the result of
14 said cause.

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16
17

18 *Lois Anne Robinson*
19 /s: // Lois Anne Robinson

20 LOIS ANNE ROBINSON, RPR, RMR
21 REGISTERED DIPLOMATE REPORTER
22 CERTIFIED REALTIME REPORTER
23
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